

AF
70



HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. COMP:0084

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Rich Rogers

Confirmation No.: 5616

Application No.: 09/727,972

Examiner: Abdulselam, Abbas

Filing Date: 11/30/2000

Group Art Unit: 2629

Title: LCD AND ACTIVE WEB ICON DOWNLOAD

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 05/03/2007.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450

Date of Deposit: July 3, 2007

OR

- ☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300.

Date of facsimile:

Typed Name: Denise M. Jordan

Signature: 

Respectfully submitted,

Rich Rogers

By 

W. Allen Powell

Attorney/Agent for Applicant(s)

Reg No. : 56,743

Date : July 3, 2007

Telephone : 281-970-4545



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Rich Rogers et al.

Serial No.: 09/727,972

Filed: November 30, 2000

For: LCD and Active Web Icon
Download

§
§
§
§
§
§
§
§
§

Group Art Unit: 2629

Examiner: Abdulsalam, A.

Atty. Docket: COMP:0084/FLE/MAN/POW
200301731-1

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

July 3, 2007
Date

[Signature]
Dennis M. Jordan

**REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41 AND
IN RESPONSE TO THE EXAMINER'S ANSWER MAILED MAY 3, 2007**

This Reply Brief is being filed pursuant to 37 C.F.R. § 41.41 and in response to the Examiner's Answer mailed on May 3, 2007. Specifically, this Reply Brief addresses the Examiner's continuing misinterpretation of the Kim reference (U.S. Patent No. 5,181,029; hereafter "the Kim reference"), the Rosenberg reference (U.S. Patent No. 6,693,626; hereafter "the Rosenberg reference"), and the pending claims. However, in the interest of brevity, Appellants address below only those issues or arguments raised by the Examiner's Answer that are particularly noteworthy. In view of Appellants' attempt to avoid repetition in this Reply, Appellants respectfully request that the Board consider Appellants' complete arguments set forth in the previously filed Appeal Brief.

The Examiner's Answer mailed on May 3, 2007 is essentially a repetition of the arguments presented by the Examiner in the Final Office Action mailed on October 3, 2006. However, by the Examiner's Answer, the Examiner appears to have provided the following supplemental argument in addition to those arguments previously set forth in the Final Office Action:

Kim teaches an electronic keyboard template 10 *integrated* with computer keyboard 20 that include LCD screen (70) which is designated for each of the function key (50) such that the user is able to define or reconfigure the function key using the with respect to a program selector (80) in order that the desired functions are performed (see col. 3, lines 22-67, col. 4, lines 1-29 and Fig. 1 (50, 70, 80)).

Examiner's Answer, page 13 (emphasis added).

In the Final Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 102 as being anticipated by the Kim reference. The argument set forth above is an apparent attempt to buttress the Examiner's position with respect to this rejection of claim 1. However, Appellants respectfully assert that, by making the argument set forth above, the Examiner mischaracterized what is disclosed by the Kim reference. Indeed, the Kim reference never indicates that the keyboard template 10 is *integrated* with the computer keyboard 20. Quite the opposite, the Kim reference clearly indicates that the keyboard template 10 is separate from the keyboard 20. For example, the Kim reference states that in FIGS. 1 and 2, "[t]he template 10 is shown *overlaid onto* a computer keyboard 20 such as a keyboard used with a conventional Industry Standard Architecture (ISA) computer." Kim, col. 3, lines 24-29. First, this statement indicates that the template 10 is merely positioned on top of a keyboard 20. Merely overlaying an object onto another object does not make the two objects integral. For example, a sheet of paper does not become integral with a desk because it is overlaid onto the desk. Second, not only does this statement in the Kim reference clearly indicate that the template 10 and keyboard 20 are separate, it indicates that the keyboard 20 is a conventional keyboard. Appellants assert that one of ordinary skill

in the art would recognize that a conventional keyboard does not include a display that is configurable to display a plurality of icons.

Further, by the argument set forth above from the Examiner's Answer, the Examiner appears to suggest that the program selector 80 of the Kim reference somehow cooperates with the keyboard 20 to reconfigure the function keys. Apparently, the Examiner believes that such cooperation would support the position that the keyboard 20 and template 10 are *integrated*. However, the Kim reference clearly states that the program selector 80 is used to select a desired software program to be used "in conjunction with the template 10." Kim, col. 3, lines 64-66. The Kim reference conspicuously excludes the keyboard 20 from this statement. In other words, the Kim reference makes no suggestion that the actual keyboard 20 is reconfigured via the program selector 80. Rather, the program selector 80 works in conjunction with the template 10 alone, which supports the Appellants position that the template 10 is separate from the keyboard 20.

Regarding the other arguments presented by the Examiner in the Examiner's Answer, Appellants assert that these arguments have already been addressed in the previously filed Appeal Brief. Thus, Appellants reiterate the request that the Board consider Appellants' complete arguments set forth in the previously filed Appeal Brief. Indeed, Appellants maintain that the teachings of the Kim and Rosenberg references are deficient with respect to the currently pending claims.

For each of the reasons set forth above and throughout the prosecution history, Appellants respectfully request that the Board overturn the Examiner's rejection of independent claims 1, 6, 15, and 23 as well as the claims that depend therefrom.

Conclusion

The foregoing are only reiterative or supplemental points regarding the reasons why the pending claims are allowable. Appellants rely upon all of the reasons advanced in the Appeal Brief, and respectfully request that the Board carefully review the claims in view of these arguments and indicate the allowability of the claimed subject matter.

Respectfully submitted,

Date: July 3, 2007



W. Allen Powell
Reg. No. 56,743
(281) 970-4545

HEWLETT-PACKARD COMPANY

Intellectual Property Administration
PO Box 272400
Fort Collins, Colorado 80527-2400